

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: SANDRA PERILLO, Debtor, SPECIALIZED LOAN SERVICING, LLC, AS SERVICING AGENT FOR DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR HOME EQUITY MORTGAGE LOAN ASSET-BACKED TRUST SERIES SPMD 2004- C, HOME EQUITY MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES SPMD 2004-C, Movant, v. SANDRA PERILLO, and KENNETH E. WEST, Trustee, Respondents.	Bankruptcy No. 22-10120-mdc Chapter 13 Document No.
---	---

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

AND NOW, comes Movant, Specialized Loan Servicing, LLC, As Servicing Agent For Deutsche Bank National Trust Company, As Trustee For Home Equity Mortgage Loan Asset-Backed Trust Series SPMD 2004-C, Home Equity Mortgage Loan Asset-Backed Certificates, Series SPMD 2004-C (the “Movant”), by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this Motion for Relief from the Automatic Stay (the “Motion”), represents as follows:

THE PARTIES

1. Respondents, Sandra Perillo and (“Debtor”), is an adult individual with a place of residence located at 2311 Franklin Avenue, Secane, PA 19018.
2. Kenneth E. West, is the duly appointed Chapter 13 Trustee and is currently acting in such capacity.

JURISDICTION AND VENUE

3. This matter is a core proceeding and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. § 362(d) and FRBP 4001 and 9014.

FACTUAL BACKGROUND

4. On or about January 19, 2022, Debtor filed a voluntary petition for relief pursuant to Chapter 13 of the Bankruptcy Code.

5. The Movant a first mortgage (the “Mortgage”) on Debtor’s real property located at 2311 Franklin Avenue, Secane, PA 19018 ("Property"), recorded in the Office of the Recorder of Deeds for Delaware County Pennsylvania , to secure a Note (the “Note”) with a principal balance of \$52,000.00. True and correct copies of the Mortgage and Note are attached hereto as Exhibits A, B, and C, respectively.

6. The outstanding balance owed to the Movant on the above referenced Note is \$144,153.58, which includes: \$32,912.78 in accrued interest, \$37,524.82 in escrow advances, \$25,987.89 in foreclosure attorney fees, \$233.84 in inspection fees and less (\$1.52) in suspense account or partial balance paid.

7. Pursuant to the Note, mortgage payments are due on the 1st day of each month. The monthly mortgage payment is \$1,186.50.

8. Debtor has estimated the value of the Property as \$281,000.00 on Schedule D of their Voluntary Petition. Therefore, there is minimal equity in the Property. *See*, Voluntary Petition, Section D.

9. Debtor’s Chapter 13 Plan requires Debtors to make monthly Mortgage payments to the Movant outside of the Plan.

10. Debtors have failed to make post-petition mortgage payments due to the Movant. Debtor is currently five post-petition payments in arrears and is due for the February 1, 2022 post-petition payment.

11. Debtor executed a promissory note secured by a mortgage or deed of trust. The promissory note is either made payable to Creditor, has been duly indorsed, or Creditor, directly or through an agent has possession of the promissory note and may enforce the promissory note as a transferee in possession. Creditor is the original mortgagee or beneficiary or the assignee of the mortgage or deed of trust. If the original promissory note is lost or destroyed, then Creditor will seek to prove the promissory note using a lost note affidavit.

12. Therefore, Specialized Loan Servicing, LLC, As Servicing Agent For Deutsche Bank National Trust Company, As Trustee For Home Equity Mortgage Loan Asset-Backed Trust Series SPMD 2004-C, Home Equity Mortgage Loan Asset-Backed Certificates, Series SPMD 2004-C is entitled to relief from the automatic stay for cause, including the lack of adequate protection, because Debtors have failed to make post-petition Mortgage payments to Specialized Loan Servicing, LLC, As Servicing Agent For Deutsche Bank National Trust Company, As Trustee For Home Equity Mortgage Loan Asset-Backed Trust Series SPMD 2004-C, Home Equity Mortgage Loan Asset-Backed Certificates, Series SPMD 2004-C. 11 U.S.C. §362(d)(1).

WHEREFORE, Movant, Specialized Loan Servicing, LLC, As Servicing Agent For Deutsche Bank National Trust Company, As Trustee For Home Equity Mortgage Loan Asset-Backed Trust Series SPMD 2004-C, Home Equity Mortgage Loan Asset-Backed Certificates, Series SPMD 2004-C, respectfully requests that this Honorable Court enter an Order granting Specialized Loan Servicing, LLC, As Servicing Agent For Deutsche Bank National Trust Company, As Trustee For Home Equity Mortgage Loan Asset-Backed Trust Series SPMD 2004-C, Home Equity Mortgage Loan Asset-Backed Certificates, Series SPMD 2004-C, relief from the automatic stay with regard to the real property located at 2311 Franklin Avenue, Secane, PA 19018.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

By: /s/ Keri P. Ebeck
Keri P. Ebeck, Esq.
PA I.D. # 91298
kebeck@bernsteinlaw.com
601 Grant Street, 9th Floor
Pittsburgh, PA 15219
Phone (412) 456-8112
Fax: (412) 456-8135

*Counsel for Specialized Loan Servicing, LLC, As
Servicing Agent For Deutsche Bank National
Trust Company, As Trustee For Home Equity
Mortgage Loan Asset-Backed Trust Series
SPMD 2004-C, Home Equity Mortgage Loan
Asset-Backed Certificates, Series SPMD 2004-C*

Dated: June 15, 2022